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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,846	11/28/2001	Mika Sugimoto	FJ-2001-030-US	8448
21254	7590	12/16/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			ZHOU, TING	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,846

Applicant(s)

SUGIMOTO, MIKA

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 22 October 2004 have been received and entered. Claims 1-14 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker, in the book, The Complete Idiot's Guide to Microsoft FrontPage 2000, 1999.

Referring to claims 1 and 8, Parker teaches a homepage creation and update program (Microsoft FrontPage 2000) causing the computer to execute the functions of displaying a plurality of stored images and allowing the user to select a desired image (displaying a plurality of files, such as clip art images, for users to import into a webpage) (pages 88-91), allowing the user to indicate a beginning of a homepage creation process (users can create a new website, or update a website by using the FrontPage creator/editor to save and publish pages) (pages 15-16, 25 and 107), automatically performing the one of the creation and the update of a homepage using the desired image after the desired image is selected and the beginning of the homepage creation process is indicated by the user (after the user has added or edited a selected image, FrontPage will automatically create or update the page when the user selects the options to save the changes made to the website and upload and publish the newly added or edited images, pages

etc.) (pages 26-27, 107 and 297-300); and arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images according to image information stored in each image file (arranging, i.e. inserting and changing selected images according to properties of the selected images, i.e. information in Picture Properties, accessed from the menu; image information that can be arranged include properties such as image width, height (size), direction (alignment), etc.) (pages 92-96 and 102-106).

Referring to claims 2 and 9, Parker teaches arranging, when the user selects a plurality of desired images and indicated beginning of the homepage creation process, the selected plurality of images in order of the user's selection and automatically performing the one of creation and update of the homepage (FrontPage places each image the user selects onto the page in order of user selection; for example, the first image the user selects will be placed onto the page, followed by the next image the user selects, etc.) (pages 88-91).

Referring to claims 3 and 10, Parker teaches the image information concerning at least one of image width, image height, image direction, image resolution, trimming and zooming (image information that can be arranged include properties such as image width, height (size), direction (alignment), etc.) (pages 92-96 and 102-106).

Referring to claims 4 and 11, Parker teaches performing, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the one of the creation and update of the homepage, which displays the images with the photographing information stored in each image file, the photographing information concerning at least one of date and time, photographer, title, image width, image height, compression mode of a stored

image, shutter speed, contraction value, brightness value, light exposure correction value, minimum stop-down value of lens, object distance, photometry method, flash emission conditions, photographing location, photographing direction, and comment information (when the user creates, or updates the webpage by uploading and publishing the page, photographing information, or file, image information can be displayed, including information such as date, title, size, comments, etc.) (pages 276-277 and 290-291).

Referring to claims 5 and 12, Parker teaches displaying, when the user selects the desired image and indicated beginning of the homepage creation process, a screen editor homepage, and selecting an image on the screen editor homepage, and then moving the image location and changing the image size (when the user selects to create a website with FrontPage and selected a desired image to add to the page, the user can change the size or location of the image by selecting the corresponding options, bringing up the appropriate dialog boxes, or screen editors for editing the images) (pages 92-95).

Referring to claims 6 and 13, Parker teaches automatically transmitting the homepage, which is one of created and updated by the homepage creation and update program, to a specified server (FrontPage will upload the created, updated image and/or page onto a web server in order to publish the page over the Internet upon user selection to upload and publish the pages) (pages 297-300).

Referring to claims 7 and 14, Parker teaches creating and updating an index part concerning the homepage transmitted to the specified server (the user can view a summary, or index of all the pages, files, images, etc. on the site) (pages 276-277 and 290-291).

Response to Arguments

3. Applicant's arguments filed on 22 October 2004 have been fully considered but they are not persuasive.

4. Applicant asserts that in Microsoft FrontPage 2000, there is no teaching or suggestion of "...arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images according to image information stored in each image file", as recited by the language of claims 1 and 8. The examiner respectfully disagrees. Microsoft FrontPage 2000, as described by Parker's guide on pages 86-91, teaches allowing users to select a plurality of images and arrange, or place them on the page; the images are arranged according to image information such as image height, width, alignment, etc., which can be accessed and changed by the user via the Picture Properties dialog box (pages 92-96). When the beginning of the homepage creation process is indicated, i.e. saving your work and publishing the web site, the website is created or formatted with the changes to the pages and images that have been made; for example, when the beginning of the homepage creation process is indicated via the Save Embedded Files dialog box, the image on the pages can be replaced, i.e. rearranged, according to changes made to the image information stored in each image file, i.e. , the size of the image (page 107). Therefore, it can be seen that Microsoft FrontPage 2000 anticipates the subject invention.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

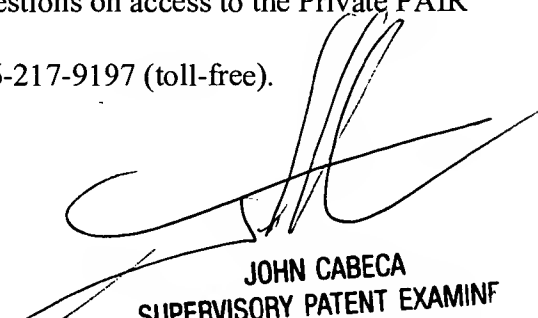
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9 December 2004



JOHN CABECA
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